

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26****VIRGINIA:****BEFORE THE GAS AND OIL BOARD****APPLICANTS:**

CNX Gas Company on behalf of Coal Mountain Mining Company Limited Partnership and G. W. Sisk Heirs (70) and CNX Gas Company LLC in a portion of Tract 3

DOCKET NO.**92-1020-0280-01****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds

Action: Amending Prior Orders Affecting Drilling Unit CC-28, Tract 3 (a portion thereof) (Referenced herein as "the Subject Drilling Unit")

Location: Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit CC-28 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

REPORT OF THE BOARD**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on February 16, 2010, at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark A. Swartz of Swartz Law Offices appeared for the Applicant; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the

provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1 (a) On October 20, 1992, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on January 26, 1993, in Deed Book 403, Pages 591 to 612 Instrument 000000207. The Supplemental Order was executed and recorded in with the Clerk of the Court, Buchanan County on August 31, 1993, in Deed Book 413, Pages 174 to 179 Instrument 000002269.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Coal Mountain Mining Company and the gas ownership of G. W. Sisk Heirs in a portion of Tract 3, in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of Tract 3, a copy of which is attached to and made a part hereof, states under oath that Coal Mountain Mining Company and the Applicants have entered into an agreement with regards to a portion of Tract 3 and that by the terms of the agreements, Coal Mountain Mining Company have entered into split agreements regarding these tracts. Escrow accounts regarding these individual conflicting claims detailed herein are required because others remain in escrow for these tracts.
- 4.4 The Unit Operator gave notice to Coal Mountain Mining Company and the Applicants that the Board would consider its disbursement authorization at its hearing on February 16, 2010 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to a portion of Tract 3 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 3 relative to the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties in different Tracts under this order subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

- (1) Coal Mountain Mining Company are the owners of coal in tract 3 and certain and G. W. Sisk Heirs (70) and CNX Gas Company LLC are owners of gas acreage estate underlying a portion of VGOB Tracts 3 of the Subject Drilling Unit CC-28;
- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB-92-1020-280-01 Disbursement
CC-28 (Includes Well CC-28A)

			Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
Table 1							
Disbursement Table							
Item No	Tract	A portion of Tracts 1 and 4					
Totals						1.700000	
Coal Mountain Mining Co. - Coal			1.700000				
1	3	Coal Mountain Mining / PO Box 675 / Tazewell VA 24651		1.5696	50.0%	0.785	46.1638%
2	3	Ralph & Grace Ann Keen / 200 Summit Avenue / Lebanon VA 24266	3/32	0.15938	50.0%	0.0797	4.6875%
3	3	Elizabeth Ann Justice (Ann McCowan) / PO Box 677 / Rosedale VA 24280	3/32	0.15938	50.0%	0.0797	4.6875%
4	3	Arnold J. & Wilda Ann Keene / 962 Ascue Road / Cedar Bluff VA 24609	3/32	0.15938	50.0%	0.0797	4.6875%
5	3	Anna Ruth & J. C. Lambert / Rt 4 Box 597 / North Tazewell VA 24639	3/32	0.15938	50.0%	0.0797	4.6875%
6	3	Billy Ray Hale / PO Box 311 / Honaker VA 24260	1/32	0.05313	50.0%	0.0266	1.5625%
7	3	Linda K. Matney / Box 738 / Pounding Mill VA 24637	1/32	0.05313	50.0%	0.0266	1.5625%
8	3	Brenda Weddie / PO Box 185 / Cedar Bluff VA 24609	1/32	0.05313	50.0%	0.0266	1.5625%
9	3	Carl Lee Hale / PO Box 330 / Pounding Mill VA 24637	1/32	0.05313	50.0%	0.0266	1.5625%
10	3	Ocie & Ted P. Davis / 427 Kents Ridge Road / Richlands VA 24641	1/24	0.07083	50.0%	0.0354	2.0833%
11	3	Louisa Shortt (Dorothy P. Shortt) / 391 Whealton Road / Hampton VA 23666	1/3024	0.00056	50.0%	0.0003	0.0165%
12	3	David E. Short / 110 Daphne Drive / Grafton, VA 23692	1/432	0.00394	50.0%	0.0020	0.1157%
13	3	Helen Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
14	3	Larry Junior Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
15	3	Lacy Dwayne Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
16	3	Eva Loretta Hubbard / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
17	3	Terry Lee Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
18	3	Earnest Brady Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
19	3	Rondal Damon Rose / PO Box 242 / Doran, VA 24612	1/1944	Amended Petition does not include disbursement			
20	3	Julie Lenora Ann Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
21	3	Shawn Kelly Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
22	3	Sheila Janowski / 13208 28 Mile Road / Washington, MI 48094	1/3024	Amended Petition does not include disbursement			
23	3	Diana Shephard / 2246 Thistledowne Drive, NE / Grand Rapids, MI 49505	1/432	0.00394	50.0%	0.0020	0.1157%
24	3	Elmer Burke / 1759 Riverside Dr. / Raven, VA 24639	1/864	0.00197	50.0%	0.0010	0.0579%
25	3	James H. Burke / PO Box 880 / Raven, VA 24639	1/864	0.00197	50.0%	0.0010	0.0579%
26	3	Inis Mae Short / PO Box 438 / Cedar Bluff, VA 24609	1/864	0.00197	50.0%	0.0010	0.0579%
27	3	Anita Rose Cantrell / 7342 Pine Street / Radford, VA 24641	1/864	0.00197	50.0%	0.0010	0.0579%
28	3	Patricia Anne Harman / 851 Scotts Creek Rd. / Statesville, NC 28625	1/4536	Amended Petition does not include disbursement			
29	3	Jerry Wayne Rose / 331 Litz Lane / Tazewell, VA 24651	1/756	0.00225	50.0%	0.0011	0.0661%
30	3	Jerry Wayne Rose / 331 Litz Lane / Tazewell, VA 24651 (Inherited)	1/4536	0.00037	50.0%	0.0002	0.0110%
31	3	Shannon McGraw / 2013 Brandy Rd. / Cedar Bluff, VA 24609	1/9072	Amended Petition does not include disbursement			
32	3	Frances Kate Short / 3741 Baptist Valley Road / Cedar Bluff, VA 24609	1/9072	Amended Petition does not include disbursement			
33	3	Charlie Buford Rose / 2080 Cambrian Drive / Flint, MI 48504	1/216	0.00787	50.0%	0.0039	0.2315%
34	3	Robert W. Rose / 1008 Short Road / Raven, VA 24639	1/216	0.00787	50.0%	0.0039	0.2315%
35	3	Frances A. Webb / 855 Stone Rd. / Jewell Ridge, VA 24622	1/216	0.00787	50.0%	0.0039	0.2315%
36	3	Howard O. Rose / 43 S. Farmer Street / Richlands, VA 24641	1/216	0.00787	50.0%	0.0039	0.2315%
37	3	Eugene J. Sisk / 4415 Pine Creek / Swords Creek, VA 24649	1/120	0.01417	50.0%	0.0071	0.4167%
38	3	Ray Leon Sisk / 4417 Pine Creek Rd. / Swords Creek, VA 24649	1/120	0.01417	50.0%	0.0071	0.4167%
39	3	Linda D. Deskins / 208 Whites Subdivision Rd. / Cedar Bluff, VA 24609	1/120	0.01417	50.0%	0.0071	0.4167%
40	3	Margaret Gillespie / PO Box 123 / Raven, VA 24639	1/120	0.01417	50.0%	0.0071	0.4167%
41	3	Harriet Nicewander / PO Box 458 / Richlands, VA 24641	1/120	0.01417	50.0%	0.0071	0.4167%

CONT'D

**VGOB-92-1020-280-01 Disbursement
CC-28 (Includes Well CC-28A)**

			Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
Table 1							
Disbursement Table							
Item No	Tract	A portion of Tracts 1 and 4					
		Totals				1.700000	
42	3	Thelma Arbogast / Rt 2 Box 284 / Elkins, WV 26241	1/288	0.00590	50.0%	0.0030	0.1736%
43	3	Vilven Nelson / 439 Indian Creek Road / Cedar Bluff, VA 24609	1/288	0.00590	50.0%	0.0030	0.1736%
44	3	Ilean Shinall / 401 Purcell Road / Richlands, VA 24641	1/288	0.00590	50.0%	0.0030	0.1736%
45	3	Fred Sisk / 215 Bethany Drive / Jonesborough, TN 37659	1/288	0.00590	50.0%	0.0030	0.1736%
46	3	Otis William Sisk / 4965 Old Belews Creek Road / Winston Salem, NC 27101	1/288	0.00590	50.0%	0.0030	0.1736%
47	3	Brady Sisk / Box 569 / Keen Mountain, VA 24624	1/288	0.00590	50.0%	0.0030	0.1736%
48	3	Joyce Sisk / 201 Carolina Avenue / Richlands, VA 24641	1/288	0.00590	50.0%	0.0030	0.1736%
49	3	Bernard Sisk / 1464 Seven Mile Br. Rd. / Raven, VA 24639	1/288	0.00590	50.0%	0.0030	0.1736%
50	3	Mae Endicott / 201 Carolina Ave. / Richlands, VA 24641	1/288	0.00590	50.0%	0.0030	0.1736%
51	3	Jenny Sisk / PO Box 535 / Keen Mountain VA 24624	1/288	0.00590	50.0%	0.0030	0.1736%
52	3	Kenneth Ray Sisk / Box 544 / Oakwood, VA 24631	1/288	0.00590	50.0%	0.0030	0.1736%
53	3	Carl Sisk / PO Box 535 / Keen Mountain, VA 24624	1/288	0.00590	50.0%	0.0030	0.1736%
54	3	Ira Junior Sisk / PO Box 492 / Oakwood, VA 24631	1/288	0.00590	50.0%	0.0030	0.1736%
55	3	Goldie V. Rose / 1168 Floating Rd. / Raven, VA 24639	5/84	0.10119	50.0%	0.0506	2.9762%
56	3	Janie Sisk / 189 8th Street NW / Barberton, OH 44203	1/84	0.02024	50.0%	0.0101	0.5952%
57	3	Linda & Billy Joe Hale / 189 8th Street NW / Barberton, OH 44203	1/1008	Amended Petition does not include disbursement			
58	3	Brenda Sisk / PO Box 1755 / Grundy, VA 24614	1/1008	Amended Petition does not include disbursement			
59	3	Jennifer & Lovelle Friend / 189 8th Street NW / Barberton, OH 44203	1/1008	Amended Petition does not include disbursement			
60	3	Charlene Thompson / 189 8th Street NW / Barberton, OH 44203	1/1008	Amended Petition does not include disbursement			
61	3	Keith & Yvonne Sisk / 189 8th Street NW / Barberton, OH 44203	1/1008	Amended Petition does not include disbursement			
62	3	Charles Kim Sisk / 189 8th Street NW / Barberton, OH 44203	1/1008	Amended Petition does not include disbursement			
63	3	Ricky B. Rose / PO Box 67 / Red Ash, VA 24640	3/896	Amended Petition does not include disbursement			
64	3	David Keith Rose / 1825 Flat Hollow Rd. / Pearisburg, VA 24134	3/896	0.00569	50.0%	0.0028	0.1674%
65	3	Larry Allen Rose / PO Box 425 / Pounding Mill, VA 24637	3/896	0.00569	50.0%	0.0028	0.1674%
66	3	Patricia Ann Osborne / 878 Pardee Street / Johnson City, TN 37601	3/896	0.00569	50.0%	0.0028	0.1674%
67	3	Virgil & Alice Rose / 460 Pond Street / Pounding Mill, VA 24637	3/224	Amended Petition does not include disbursement			
68	3	Olbert Rose / c/o Mary F. Rose / HC66 Box 19 / Richlands, VA 24641	3/224	0.02277	50.0%	0.0114	0.6696%
69	3	Opal & Frank Tackett / PO Box 777 / Raven, VA 24639	3/224	0.02277	50.0%	0.0114	0.6696%
70	3	Alma & Roger McNulty / 431 McNulty Rd. / Cedar Bluff, VA 24609	3/224	0.02277	50.0%	0.0114	0.6696%
71	3	Marie P. & Bobby E. Johnson / 105 Brentwood Rd. / Raven, VA 24639	3/224	0.02277	50.0%	0.0114	0.6696%
72	3	Darrell W. Rose / 1168 Floating Rd. / Raven, VA 24639	3/224	Amended Petition does not include disbursement			
73	3	Nancy Rose / 427 Kents Ridge Road / Richlands, VA 24641	1/224	0.00759	50.0%	0.0038	0.2232%
74	3	CNX Gas Company LLC	1/8	0.21250	50.0%	0.1063	6.2500%

6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

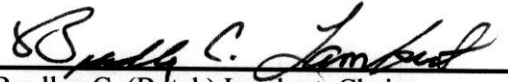
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 28 day of April, 2011 by a majority of the Virginia Gas and Oil Board.


Bradley C. (Butch) Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 28 day of April, 2011 by an Order of this Board.



David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL)

Acknowledged on this 28th day of April, 2011, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

My commission expires: 09 / 30 / 2013



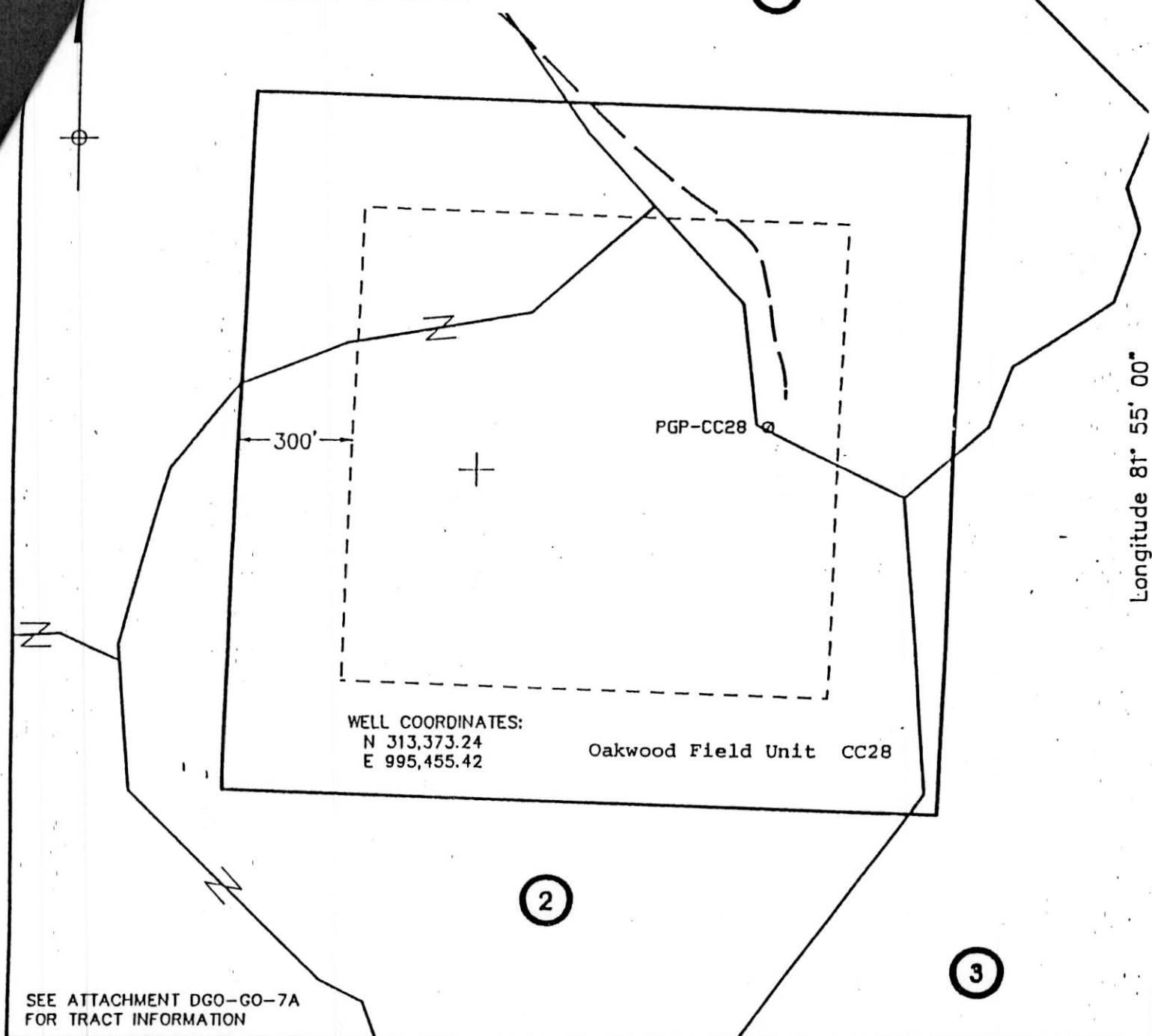

Diane J. Davis
Notary Public #174394

Latitude 37° 10' 00"

VGOB-92/10/20-0280
Pocahontas Gas Partnership
Exhibit B
Date: 9-21-92

①

Longitude 81° 55' 00"

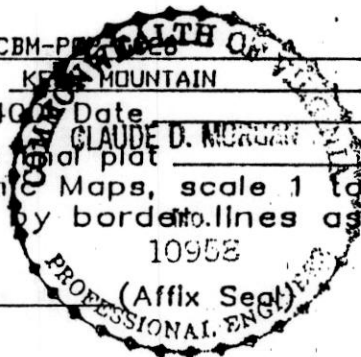


WELL LOCATION PLAT

Company CONSOLIDATION COAL COMPANY Well Name and Number CBM-PGP-CC28
Tract No. COAL MOUNTAIN 708-004-2 Elevation 2594.26 Quadrangle KEA MOUNTAIN
County BUCHANAN District GARDEN Scale: 1"=400' Date 9/21/92

This plat is a new plat xxx; an updated plat ; or a final plat
Denotes the location of a well on United States topographic Maps, scale 1"=24,000, latitude and longitude lines being represented by border lines as shown.

Claude D. Morgan
Licensed Professional Engineer



rm DGO-GO-7
v. 9/91

CBM-PGP-CC28
DGO-GO-7 (A) - Attachment
TRACT IDENTIFICATION

1. Coal Mountain Mining (TR 2) - Surface, Coal, Oil & Gas
Coal Lessees
United Coal Company (above drainage)
Consolidation Coal Company (below drainage)
Consolidation Coal Company - Surface, Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
15.3 acres - 19.125% unit
2. Hugh MacRae Land Trust (TR 20) - Surface, Coal, Oil & Gas
Coal Lessees
Permac, Inc. (above drainage)
Consolidation Coal Company (below drainage)
Pocahontas Gas Partnership - CBM Lessee
Consolidation Coal Company - Surface, Oil & Gas
63 acres - 78.750% unit
3. Coal Mountain Mining (TR 1) - Coal
Coal Lessees
United Coal Company (above drainage)
Consolidation Coal Company (below drainage)
K. Farmer - 1/8 Oil & Gas
Oliver Sisk, et al (see Exhibit C) - 7/8 Oil & Gas
Pocahontas Gas Partnership - 7/8 CBM Oil & Gas Lessee
1.7 acres - 2.125% unit

Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 11/30/09

Unit CC-28
VGOB 92-1020-0280-01
Acres Escrowed: 1.700000

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$2,341.53
Coal Mountain Mining Co. - Coal	3	1.7000000			43.2372%	\$1,012.41
G.W. Sisk Heirs - O&G	A	1.70				
Ralph & Grace Ann Keen			0.1594	3/32	4.6875%	\$109.76
Elizabeth Ann Justice (Ann McCowan)			0.1594	3/32	4.6875%	\$109.76
Arnold J. & Wilda Ann Keene			0.1594	3/32	4.6875%	\$109.76
Anna Ruth & J.C. Lambert			0.1594	3/32	4.6875%	\$109.76
Billy Ray Hale			0.0531	1/32	1.5625%	\$36.59
Linda K. Matney			0.0531	1/32	1.5625%	\$36.59
Brenda Weddle			0.0531	1/32	1.5625%	\$36.59
Carl Lee Hale			0.0531	1/32	1.5625%	\$36.59
Ocie & Ted P. Davis			0.0708	1/24	2.0833%	\$48.78
Louisa Shortt (Dorothy P. Shortt), Inherited			0.0006	1/3024	0.0165%	\$0.39
David E. Shortt			0.0039	1/432	0.1157%	\$2.71
Helen Rose			0.0009	1/1944	0.0257%	\$0.60
Larry Junior Rose			0.0009	1/1944	0.0257%	\$0.60
Lacy Dwayne Rose			0.0009	1/1944	0.0257%	\$0.60
Eva Loretta Hubbard			0.0009	1/1944	0.0257%	\$0.60
Terry Lee Rose			0.0009	1/1944	0.0257%	\$0.60
Earnest Brady Rose			0.0009	1/1944	0.0257%	\$0.60
Julie Lenora Ann Rose			0.0009	1/1944	0.0257%	\$0.60
Shawn Kelly Rose			0.0009	1/1944	0.0257%	\$0.60
Diana Shephard			0.0039	1/432	0.1157%	\$2.71
Elmer Burke			0.0020	1/864	0.0579%	\$1.36
James H. Burke			0.0020	1/864	0.0579%	\$1.36
Inis Mae Short			0.0020	1/864	0.0579%	\$1.36
Anita Rose Cantrell			0.0020	1/864	0.0579%	\$1.36
Jerry Wayne Rose			0.0022	1/756	0.0661%	\$1.55
Jerry Wayne Rose, Inherited			0.0004	1/4536	0.0110%	\$0.26
Charlie Buford Rose			0.0079	1/216	0.2315%	\$5.42
Robert W. Rose			0.0079	1/216	0.2315%	\$5.42
Frances A. Webb			0.0079	1/216	0.2315%	\$5.42
Howard O. Rose			0.0079	1/216	0.2315%	\$5.42
Eugene J. Sisk			0.0142	1/120	0.4167%	\$9.76
Ray Leon Sisk			0.0142	1/120	0.4167%	\$9.76
Linda D. Deskins			0.0142	1/120	0.4167%	\$9.76
Margaret Gillespie			0.0142	1/120	0.4167%	\$9.76
Harriet Nicewander			0.0142	1/120	0.4167%	\$9.76
Thelma Arbogast			0.0059	1/288	0.1736%	\$4.07
Vilven Nelson			0.0059	1/288	0.1736%	\$4.07
Ilean Shinall			0.0059	1/288	0.1736%	\$4.07
Fred Sisk			0.0059	1/288	0.1736%	\$4.07
Otis William Sisk			0.0059	1/288	0.1736%	\$4.07
Brady Sisk			0.0059	1/288	0.1736%	\$4.07
Joyce Sisk			0.0059	1/288	0.1736%	\$4.07
Bernard Sisk			0.0059	1/288	0.1736%	\$4.07
Mae Endicott			0.0059	1/288	0.1736%	\$4.07
Kenneth Ray Sisk			0.0059	1/288	0.1736%	\$4.07
Jenny Sisk			0.0059	1/288	0.1736%	\$4.07
Ira Junior Sisk			0.0059	1/288	0.1736%	\$4.07
Janie Sisk			0.0202	1/84	0.5952%	\$13.94

Jennifer & Lovelle Friend, Inherited	0.0017	1/1008	0.0496%	\$1.16
David Keith Rose	0.0057	3/896	0.1674%	\$3.92
Larry Allen Rose	0.0057	3/896	0.1674%	\$3.92
Patricia Ann Osborne	0.0057	3/896	0.1674%	\$3.92
Olbert Rose	0.0228	3/224	0.6696%	\$15.68
Opal & Frank Tackett	0.0228	3/224	0.6696%	\$15.68
Alma & Roger McNulty	0.0228	3/224	0.6696%	\$15.68
Marie P. & Bobby E. Johnson	0.0228	3/224	0.6696%	\$15.68
Nancy Rose	0.0076	1/224	0.2232%	\$5.23
CNX Gas Company LLC	0.2125	1/8	6.2500%	\$146.35

Wells contributing to the escrow account:

CC28A

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26****VIRGINIA:****BEFORE THE GAS AND OIL BOARD****APPLICANTS:**

CNX Gas Company on behalf of Coal Mountain Mining Company Limited Partnership and G. W. Sisk Heirs (70) and CNX Gas Company LLC in a portion of Tract 3

DOCKET NO.**92-1020-0280-01****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds

Action: Amending Prior Orders Affecting Drilling Unit CC-28, Tract 3 (a portion thereof) (Referenced herein as "the Subject Drilling Unit")

Location: Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit CC-28 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

REPORT OF THE BOARD**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on February 16, 2010, at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark A. Swartz of Swartz Law Offices appeared for the Applicant; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the

provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1 (a) On October 20, 1992, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on January 26, 1993, in Deed Book 403, Pages 591 to 612 Instrument 000000207. The Supplemental Order was executed and recorded in with the Clerk of the Court, Buchanan County on August 31, 1993, in Deed Book 413, Pages 174 to 179 Instrument 000002269.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Coal Mountain Mining Company and the gas ownership of G. W. Sisk Heirs in a portion of Tract 3, in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of Tract 3, a copy of which is attached to and made a part hereof, states under oath that Coal Mountain Mining Company and the Applicants have entered into an agreement with regards to a portion of Tract 3 and that by the terms of the agreements, Coal Mountain Mining Company have entered into split agreements regarding these tracts. Escrow accounts regarding these individual conflicting claims detailed herein are required because others remain in escrow for these tracts.
- 4.4 The Unit Operator gave notice to Coal Mountain Mining Company and the Applicants that the Board would consider its disbursement authorization at its hearing on February 16, 2010 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to a portion of Tract 3 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 3 relative to the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties in different Tracts under this order subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

(1) Coal Mountain Mining Company are the owners of coal in tract 3 and certain and G. W. Sisk Heirs (70) and CNX Gas Company LLC are owners of gas acreage estate underlying a portion of VGOB Tracts 3 of the Subject Drilling Unit CC-28;

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB-92-1020-280-01 Disbursement
CC-28 (Includes Well CC-28A)

			Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
Table 1							
Disbursement Table							
Item	Tract	A portion of Tracts 1 and 4					
No							
		Totals				1.700000	
	Coal Mountain Mining Co. - Coal		1.700000				
1	3	Coal Mountain Mining / PO Box 675 / Tazewell VA 24651		1.6309	50.0%	0.815	47.9663%
2	3	Ralph & Grace Ann Keen / 200 Summit Avenue / Lebanon VA 24266	3/32	0.15938	50.0%	Split Agreement Disputed	
3	3	Elizabeth Ann Justice (Ann McCowan) / PO Box 677 / Rosedale VA 24280	3/32	0.15938	50.0%	0.0797	4.6875%
4	3	Arnold J. & Wilda Ann Keene / 962 Ascue Road / Cedar Bluff VA 24609	3/32	0.15938	50.0%	0.0797	4.6875%
5	3	Anna Ruth & J. C. Lambert / Rt 4 Box 597 / North Tazewell VA 24639	3/32	0.15938	50.0%	Split Agreement Disputed	
6	3	Billy Ray Hale / PO Box 311 / Honaker VA 24260	1/32	0.05313	50.0%	0.0266	1.5625%
7	3	Linda K. Matney / Box 738 / Pounding Mill VA 24637	1/32	0.05313	50.0%	0.0266	1.5625%
8	3	Brenda Weddie / PO Box 185 / Cedar Bluff VA 24609	1/32	0.05313	50.0%	0.0266	1.5625%
9	3	Carl Lee Hale / PO Box 330 / Pounding Mill VA 24637	1/32	0.05313	50.0%	0.0266	1.5625%
10	3	Ocie & Ted P. Davis / 427 Kents Ridge Road / Richlands VA 24641	1/24	0.07083	50.0%	0.0354	2.0833%
11	3	Louisa Shortt (Dorothy P. Shortt) / 391 Whealton Road / Hampton VA 23666	1/3024	0.00056	50.0%	0.0003	0.0165%
12	3	David E. Short / 110 Daphne Drive / Grafton, VA 23692	1/432	0.00394	50.0%	0.0020	0.1157%
13	3	Helen Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
14	3	Larry Junior Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
15	3	Lacy Dwayne Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
16	3	Eva Loretta Hubbard / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
17	3	Terry Lee Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
18	3	Earnest Brady Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
19	3	Rondal Damon Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
20	3	Julie Lenora Ann Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
21	3	Shawn Kelly Rose / PO Box 242 / Doran, VA 24612	1/1944	0.00087	50.0%	0.0004	0.0257%
22	3	Sheila Janowski / 13208 28 Mile Road / Washington, MI 48094	1/3024	0.00056	50.0%	0.0003	0.0165%
23	3	Diana Shephard / 2246 Thistle Down Drive, NE / Grand Rapids, MI 49505	1/432	0.00394	50.0%	0.0020	0.1157%
24	3	Elmer Burke / 1759 Riverside Dr. / Raven, VA 24639	1/864	0.00197	50.0%	0.0010	0.0579%
25	3	James H. Burke / PO Box 880 / Raven, VA 24639	1/864	0.00197	50.0%	0.0010	0.0579%
26	3	Inis Mae Short / PO Box 438 / Cedar Bluff, VA 24609	1/864	0.00197	50.0%	0.0010	0.0579%
27	3	Anita Rose Cantrell / 7342 Pine Street / Radford, VA 24641	1/864	0.00197	50.0%	0.0010	0.0579%
28	3	Patricia Anne Harman / 851 Scotts Creek Rd. / Statesville, NC 28625	1/4536	0.00037	50.0%	0.0002	0.0110%
29	3	Jerry Wayne Rose / 331 Litz Lane / Tazewell, VA 24651	1/4536	0.00037	50.0%	0.0002	0.0110%
30	3	Shannon McGraw / 2013 Brandy Rd. / Cedar Bluff, VA 24609	1/9072	0.00019	50.0%	0.0001	0.0055%
31	3	Frances Kate Short / 3741 Baptist Valley Road / Cedar Bluff, VA 24609	1/9072	0.00019	50.0%	0.0001	0.0055%
32	3	Charlie Buford Rose / 2080 Cambrian Drive / Flint, MI 48504	1/216	0.00787	50.0%	0.0039	0.2315%
33	3	Robert W. Rose / 1008 Short Road / Raven, VA 24639	1/216	0.00787	50.0%	0.0039	0.2315%
34	3	Frances A. Webb / 855 Stone Rd. / Jewell Ridge, VA 24622	1/216	0.00787	50.0%	0.0039	0.2315%
35	3	Howard O. Rose / 43 S. Farmer Street / Richlands, VA 24641	1/216	0.00787	50.0%	0.0039	0.2315%
36	3	Eugene J. Sisk / 4415 Pine Creek / Swords Creek, VA 24649	1/120	0.01417	50.0%	0.0071	0.4167%
37	3	Ray Leon Sisk / 4417 Pine Creek Rd. / Swords Creek, VA 24649	1/120	0.01417	50.0%	0.0071	0.4167%
38	3	Linda D. Deskins / 208 Whites Subdivision Rd. / Cedar Bluff, VA 24609	1/120	0.01417	50.0%	0.0071	0.4167%
39	3	Margaret Gillespie / PO Box 123 / Raven, VA 24639	1/120	0.01417	50.0%	0.0071	0.4167%
40	3	Harriet Nicewander / PO Box 458 / Richlands, VA 24641	1/120	0.01417	50.0%	0.0071	0.4167%

CONT'D

VGOB-92-1020-280-01 Disbursement
CC-28 (Includes Well CC-28A)

			Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
Table 1							
Disbursement Table							
Item	Tract	A portion of Tracts 1 and 4					
No							
		Totals				1.700000	
41	3	Thelma Arbogast / Rt 2 Box 284 / Elkins, WV 26241	1/288	0.00590	50.0%	0.0030	0.1736%
42	3	Vilven Nelson / 439 Indian Creek Road / Cedar Bluff, VA 24609	1/288	0.00590	50.0%	0.0030	0.1736%
43	3	Ilean Shinall / 401 Purcell Road / Richlands, VA 24641	1/288	0.00590	50.0%	0.0030	0.1736%
44	3	Fred Sisk / 215 Bethany Drive / Jonesborough, TN 37659	1/288	0.00590	50.0%	0.0030	0.1736%
45	3	Otis William Sisk / 4965 Old Belews Creek Road / Winston Salem, NC 27101	1/288	0.00590	50.0%	0.0030	0.1736%
46	3	Brady Sisk / Box 569 / Keen Mountain, VA 24624	1/288	0.00590	50.0%	0.0030	0.1736%
47	3	Joyce Sisk / 201 Carolina Avenue / Richlands, VA 24641	1/288	0.00590	50.0%	0.0030	0.1736%
48	3	Bernard Sisk / 1464 Seven Mile Br. Rd. / Raven, VA 24639	1/288	0.00590	50.0%	0.0030	0.1736%
49	3	Mae Endicott / 201 Carolina Ave. / Richlands, VA 24641	1/288	0.00590	50.0%	0.0030	0.1736%
50	3	Kenneth Ray Sisk / Box 544 / Oakwood, VA 24631	1/288	0.00590	50.0%	0.0030	0.1736%
51	3	Carl Sisk / PO Box 535 / Keen Mountain, VA 24624	1/288	0.00590	50.0%	0.0030	0.1736%
52	3	Ira Junior Sisk / PO Box 492 / Oakwood, VA 24631	1/288	0.00590	50.0%	0.0030	0.1736%
53	3	Goldie V. Rose / 1168 Floating Rd. / Raven, VA 24639	5/84	0.10119	50.0%	0.0506	2.9762%
54	3	Janie Sisk / 189 8th Street NW / Barberton, OH 44203	1/84	0.02024	50.0%	0.0101	0.5952%
55	3	Linda & Billy Joe Hale / 189 8th Street NW / Barberton, OH 44203	1/1008	0.00169	50.0%	0.0008	0.0496%
56	3	Brenda Sisk / PO Box 1755 / Grundy, VA 24614	1/1008	0.00169	50.0%	0.0008	0.0496%
57	3	Jennifer & Lovelle Friend / 189 8th Street NW / Barberton, OH 44203	1/1008	0.00169	50.0%	0.0008	0.0496%
58	3	Charlene Thompson / 189 8th Street NW / Barberton, OH 44203	1/1008	0.00169	50.0%	0.0008	0.0496%
59	3	Keith & Yvonne Sisk / 189 8th Street NW / Barberton, OH 44203	1/1008	0.00169	50.0%	0.0008	0.0496%
60	3	Charles Kim Sisk / 189 8th Street NW / Barberton, OH 44203	1/1008	0.00169	50.0%	0.0008	0.0496%
61	3	Ricky B. Rose / PO Box 67 / Red Ash, VA 24640	3/896	0.00569	50.0%	0.0028	0.1674%
62	3	David Keith Rose / 1825 Flat Hollow Rd. / Pearisburg, VA 24134	3/896	0.00569	50.0%	0.0028	0.1674%
63	3	Larry Allen Rose / PO Box 425 / Pounding Mill, VA 24637	3/896	0.00569	50.0%	0.0028	0.1674%
64	3	Patricia Ann Osborne / 878 Pardee Street / Johnson City, TN 37601	3/896	0.00569	50.0%	0.0028	0.1674%
65	3	Virgil & Alice Rose / 460 Pond Street / Pounding Mill, VA 24637	3/224	0.02277	50.0%	0.0114	0.6696%
66	3	Olbert Rose / c/o Mary F. Rose / HC66 Box 19 / Richlands, VA 24641	3/224	0.02277	50.0%	0.0114	0.6696%
67	3	Opal & Frank Tackett / PO Box 777 / Raven, VA 24639	3/224	0.02277	50.0%	0.0114	0.6696%
68	3	Alma & Roger McNulty / 431 McNulty Rd. / Cedar Bluff, VA 24609	3/224	0.02277	50.0%	0.0114	0.6696%
69	3	Marie P. & Bobby E. Johnson / 105 Brentwood Rd. / Raven, VA 24639	3/224	0.02277	50.0%	0.0114	0.6696%
70	3	Darrell W. Rose / 1168 Floating Rd. / Raven, VA 24639	3/224	0.02277	50.0%	0.0114	0.6696%
71	3	Nancy Rose / 427 Kents Ridge Road / Richlands, VA 24641	1/224	0.00759	50.0%	0.0038	0.2232%
72	3	CNX Gas Company LLC	1/8	0.21250	50.0%	0.1063	6.2500%

6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

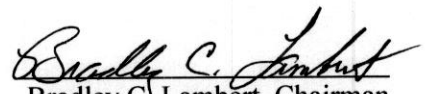
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

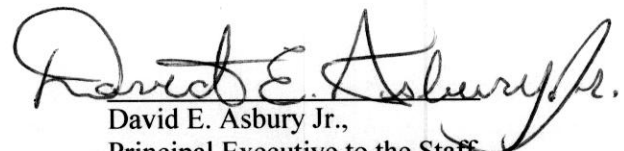
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 24 day of March, 2011, by a majority of the Virginia Gas and Oil Board.


Bradley C. Lambert, Chairman

DONE AND PERFORMED this 24 day of March, 2011, by an Order of this Board.

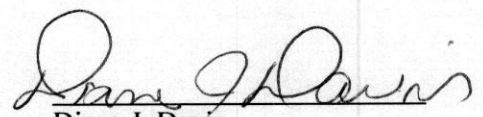

David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

**COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL**

Acknowledged on this 24th day of March, 2011, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

My commission expires: 09/_30_/2013__




Diane J. Davis
Notary Public #174394

**Exhibit EE
Unit CC-28
92-1020-0280-01**

List of Conflicting Owners/Claimants with Royalty Split Agreements

Need W-9	Net Acres in Unit	Interest in Unit	Percent of Escrow
(e.6) Brady Sisk Box 569 Keen Mountain, VA 24624 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.7) Joyce Sisk 201 Carolina Avenue Richlands, VA 24641 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.8) Bernard Sisk 1464 Seven Mile Br. Rd. Raven, VA 24639 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.9) Mae Endicott 201 Carolina Ave. Richlands, VA 24641 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.10) Kenneth Ray Sisk Box 544 Oakwood, VA 24631 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.11) Carl Sisk Heirs, Devisees, Successors or Assigns <i>(Carl Sisk Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>			
(e.11.1) Jenny A. Sisk PO Box 535 Keen Mountain, VA 24624	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.12) Ira Junior Sisk P.O. Box 492 Oakwood, VA 24631 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(f) Goldie V. Rose 1168 Floating Rd. Raven, VA 24639 <i>(Inherited an additional 1/168 interest from Maria Sisk along with the interest already owned.)</i>	0.101 5/84 of 1.70 acres	0.12649%	Pending receipt of W-9
(g) Charlie Sisk Heirs, Devisees, Successors or Assigns			
(g.1) Janie Sisk, widow 189 8th Street NW Barberton, OH 44203	0.020 1/84 of 1.70 acres	0.02530%	0.5952%
(g.2) Linda Hale 189 8th Street NW Barberton, OH 44203 (BAD ADDRESS) <i>(Inherited an additional 1/1008 interest from Maria Sisk along with the interest already owned.)</i>	0.002 1/1008 of 1.70 acres	0.00211% Inherited from M	Pending receipt of W-9
(g.3) Brenda Sisk P.O. Box 1755 Grundy, VA 24614 (BAD ADDRESS) <i>(Inherited an additional 1/1008 interest from Maria Sisk along with the interest already owned.)</i>	0.002 1/1008 of 1.70 acres	0.00211%	Pending receipt of W-9

Exhibit EE
Unit CC-28
92-1020-0280-01

List of Conflicting Owners/Claimants with Royalty Split Agreements

Need W-9	Net Acres in Unit	Interest in Unit	Percent of Escrow
(g.4) Jannifer J. Friend 7589 N. 7th Ave. Clinton, OH 44216 (Inherited an additional 1/1008 interest from Maria Sisk along with the interest already owned.)	0.002 1/1008 of 1.70 acres	0.00211%	0.0496%
(g.5) Charlene Thompson 189 8th Street NW Barberton, OH 44203 (BAD ADDRESS) (Inherited an additional 1/1008 interest from Maria Sisk along with the interest already owned.)	0.002 1/1008 of 1.70 acres	0.00211%	Pending receipt of W-9
(g.6) Keith Sisk 189 8th Street NW Barberton, OH 44203 (Inherited an additional 1/1008 interest from Maria Sisk along with the interest already owned.)	0.002 1/1008 of 1.70 acres	0.00211%	Pending receipt of W-9
(g.7) Charles Kim Sisk 189 8th Street NW Barberton, OH 44203 (BAD ADDRESS) (Inherited an additional 1/1008 interest from Maria Sisk along with the interest already owned.)	0.002 1/1008 of 1.70 acres	0.00211%	Pending receipt of W-9
(h) Joshua Rose Heirs, Devisees, Successors or Assigns (3/28)			
(h.1) Harold Rose Heirs, Devisees, Successors or Assigns (3/224)			
(h.1.1) Ricky B. Rose P.O. Box 995 Raven, VA 24639	0.006 3/896 of 1.70 acres	0.00711%	Pending receipt of W-9
(h.1.2) David Keith Rose 1825 Flat Hollow Rd. Pearisburg, VA 24134	0.006 3/896 of 1.70 acres	0.00711%	0.1674%
(h.1.2) Larry Allen Rose PO Box 425 Pounding Mill, VA 24637	0.006 3/896 of 1.70 acres	0.00711%	0.1674%
(h.1.2) Patricia Ann Osborne 878 Pardee Street Johnson City, TN 37601	0.006 3/896 of 1.70 acres	0.00711%	0.1674%
(h.2) Virgil Rose 460 Pond Street Pounding Mill, VA 24637	0.023 3/224 of 1.70 acres	0.02846%	Pending receipt of W-9
(h.3) Olbert Rose c/o Mary F. Rose HC66 Box 19 Richlands, VA 24641	0.023 3/224 of 1.70 acres	0.02846%	0.6696%
(h.4) Opal & Frank Tackett P.O. Box 777 Raven, VA 24639	0.023 3/224 of 1.70 acres	0.02846%	0.6696%

Exhibit EE
Unit CC-28
92-1020-0280-01

List of Conflicting Owners/Claimants with Royalty Split Agreements

Need W-9	Net Acres in Unit	Interest in Unit	Percent of Escrow
(h.5) Alma & Roger McNulty 431 McNulty Rd. Cedar Bluff, VA 24609	0.023 3/224 of 1.70 acres	0.02846%	0.6696%
(h.6) Marie P. & Bobby E. Johnson 105 Brentwood Rd Raven, VA 24639	0.023 3/224 of 1.70 acres	0.02846%	0.6696%
(h.7) Darrell W. Rose 1168 Floating Rd. Raven, VA 24639	0.023 3/224 of 1.70 acres	0.02846%	Pending receipt of W-9
(i) James Rose Heirs, Devisees, Successors or Assigns			
(i.1) Nancy Rose 427 Kents Ridge Road Richlands, VA 24641	0.008 1/224 of 1.70 acres	0.00949%	0.2232%
(Requests her royalties be paid to her daughter, Tessie Vandyke)			
(3) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	0.213 1/8 of 1.70 acres	0.26563%	6.2500%

INSTRUMENT #1100000751
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MARCH 30, 2011 AT 11:00AM

BEVERLY S. TILLER, CLERK
RECORDED BY: DA

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26****VIRGINIA:****BEFORE THE GAS AND OIL BOARD****APPLICANTS:**

CNX Gas Company on behalf of Coal Mountain Mining Company Limited Partnership and G. W. Sisk Heirs (70) and CNX Gas Company LLC in a portion of Tract 3

DOCKET NO.**92-1020-0280-01****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds

Action: Amending Prior Orders Affecting Drilling Unit CC-28, Tract 3 (a portion thereof) (Referenced herein as "the Subject Drilling Unit")

Location: Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit CC-28 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for **VGOB Tract(s) identified in Table 1.**

REPORT OF THE BOARD**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on February 16, 2010, at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark A. Swartz of Swartz Law Offices appeared for the Applicant; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the

provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1 (a) On October 20, 1992, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on January 26, 1993, in Deed Book 403, Pages 591 to 612 Instrument 000000207. The Supplemental Order was executed and recorded in with the Clerk of the Court, Buchanan County on August 31, 1993, in Deed Book 413, Pages 174 to 179 Instrument 000002269.
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Coal Mountain Mining Company and the gas ownership of G. W. Sisk Heirs in a portion of Tract 3, in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of Tract 3, a copy of which is attached to and made a part hereof, states under oath that Coal Mountain Mining Company and the Applicants have entered into an agreement with regards to a portion of Tract 3 and that by the terms of the agreements, Coal Mountain Mining Company have entered into split agreements regarding these tracts. Escrow accounts regarding these individual conflicting claims detailed herein are required because others remain in escrow for these tracts.
- 4.4 The Unit Operator gave notice to Coal Mountain Mining Company and the Applicants that the Board would consider its disbursement authorization at its hearing on February 16, 2010 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to a portion of Tract 3 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tract 3 relative to the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties in different Tracts under this order subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

Tract-by-Tract Escrow Calculation Account Balances as of 11/30/09

Unit CC-28

VGOB 92-1020-0280-01

Acres Escrowed:

1.700000

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$2,341.53
Coal Mountain Mining Co. - Coal	3	1.7000000			43.2372%	\$1,012.41
G.W. Sisk Heirs - O&G	A	1.70				
Ralph & Grace Ann Keen			0.1594	3/32	4.6875%	\$109.76
Elizabeth Ann Justice (Ann McCowan)			0.1594	3/32	4.6875%	\$109.76
Arnold J. & Wilda Ann Keene			0.1594	3/32	4.6875%	\$109.76
Anna Ruth & J.C. Lambert			0.1594	3/32	4.6875%	\$109.76
Billy Ray Hale			0.0531	1/32	1.5625%	\$36.59
Linda K. Matney			0.0531	1/32	1.5625%	\$36.59
Brenda Weddle			0.0531	1/32	1.5625%	\$36.59
Carl Lee Hale			0.0531	1/32	1.5625%	\$36.59
Ocie & Ted P. Davis			0.0708	1/24	2.0833%	\$48.78
Louisa Shortt (Dorothy P. Shortt), Inherited			0.0006	1/3024	0.0165%	\$0.39
David E. Shortt			0.0039	1/432	0.1157%	\$2.71
Helen Rose			0.0009	1/1944	0.0257%	\$0.60
Larry Junior Rose			0.0009	1/1944	0.0257%	\$0.60
Lacy Dwayne Rose			0.0009	1/1944	0.0257%	\$0.60
Eva Loretta Hubbard			0.0009	1/1944	0.0257%	\$0.60
Terry Lee Rose			0.0009	1/1944	0.0257%	\$0.60
Earnest Brady Rose			0.0009	1/1944	0.0257%	\$0.60
Julie Lenora Ann Rose			0.0009	1/1944	0.0257%	\$0.60
Shawn Kelly Rose			0.0009	1/1944	0.0257%	\$0.60
Diana Shephard			0.0039	1/432	0.1157%	\$2.71
Elmer Burke			0.0020	1/864	0.0579%	\$1.36
James H. Burke			0.0020	1/864	0.0579%	\$1.36
Inis Mae Short			0.0020	1/864	0.0579%	\$1.36
Anita Rose Cantrell			0.0020	1/864	0.0579%	\$1.36
Jerry Wayne Rose			0.0022	1/756	0.0661%	\$1.55
Jerry Wayne Rose, Inherited			0.0004	1/4536	0.0110%	\$0.26
Charlie Buford Rose			0.0079	1/216	0.2315%	\$5.42
Robert W. Rose			0.0079	1/216	0.2315%	\$5.42
Frances A. Webb			0.0079	1/216	0.2315%	\$5.42
Howard O. Rose			0.0079	1/216	0.2315%	\$5.42
Eugene J. Sisk			0.0142	1/120	0.4167%	\$9.76
Ray Leon Sisk			0.0142	1/120	0.4167%	\$9.76
Linda D. Deskins			0.0142	1/120	0.4167%	\$9.76
Margaret Gillespie			0.0142	1/120	0.4167%	\$9.76
Harriet Nicewander			0.0142	1/120	0.4167%	\$9.76
Thelma Arbogast			0.0059	1/288	0.1736%	\$4.07
Vilven Nelson			0.0059	1/288	0.1736%	\$4.07
Ilean Shinall			0.0059	1/288	0.1736%	\$4.07
Fred Sisk			0.0059	1/288	0.1736%	\$4.07
Otis William Sisk			0.0059	1/288	0.1736%	\$4.07
Brady Sisk			0.0059	1/288	0.1736%	\$4.07
Joyce Sisk			0.0059	1/288	0.1736%	\$4.07
Bernard Sisk			0.0059	1/288	0.1736%	\$4.07
Mae Endicott			0.0059	1/288	0.1736%	\$4.07
Kenneth Ray Sisk			0.0059	1/288	0.1736%	\$4.07
Jenny Sisk			0.0059	1/288	0.1736%	\$4.07
Ira Junior Sisk			0.0059	1/288	0.1736%	\$4.07
Janie Sisk			0.0202	1/84	0.5952%	\$13.94

David Keith Rose	0.0057	3/896	0.1674%	\$3.92
Larry Allen Rose	0.0057	3/896	0.1674%	\$3.92
Patricia Ann Osborne	0.0057	3/896	0.1674%	\$3.92
Olbert Rose	0.0228	3/224	0.6696%	\$15.68
Opal & Frank Tackett	0.0228	3/224	0.6696%	\$15.68
Alma & Roger McNulty	0.0228	3/224	0.6696%	\$15.68
Marie P. & Bobby E. Johnson	0.0228	3/224	0.6696%	\$15.68
Nancy Rose	0.0076	1/224	0.2232%	\$5.23
CNX Gas Company LLC	0.2125	1/8	6.2500%	\$146.35

Wells contributing to the escrow account:

CC28A

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<u>Tract #3 - 1.70 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.1 Limited Partnership P.O. Box 675 Tazewell, VA 24651	1.70 acres	2.1250%
<u>OIL & GAS OWNERSHIP</u>		
Green J. Sisk Heirs, Devisees, Successors or Assigns, et al. (aka Green W. Sisk et al)	1.70 acres	2.12500%
(2) J.H. Sisk Heirs, Devisees, Successors or Assigns		
(c) Pearlie & John Rose Heirs, Devisees, Successors or Assigns		
(c.1) Earl Shortt Heirs, Devisees, Successors or Assigns		
(c.1.2) (Dorothy P. Shortt) Louisa Shortt, wid 391 Whealton Road Hampton, VA 23666	0.003 1/504 of 1.70 acres	0.00422%
(c.3) Georgia Bann Heirs, Devisees, Successors or Assigns		
(c.3.1) Sheila Janowski 13208 28 Mile Road Washington, MI 48094	0.003 1/504 of 1.70 acres	0.00422%
(c.5) Jennings Rose Heirs, Devisees, Successors or Assigns		
(c.5.1) Mabel C. Rose Heirs, Devisees, Successors or Assigns		
(c.5.1.1) Patricia Anne Harman 851 Scotts Creek Rd. Statesville, NC 28625	0.002 1/756 of 1.70 acres	0.00281%
(c.5.1.2) Jerry Wayne Rose 331 Litz Lane Tazewell, VA 24651	0.002 1/756 of 1.70 acres	0.00281%
(c.5.1.3) Shannon McGraw 2013 Brandy Rd. Cedar Bluff, VA 24609	0.001 1/1512 of 1.70 acres	0.00141%
(c.5.1.4) Frances Kate Short 3741 Baptist Valley Road Cedar Bluff, VA 24609	0.001 1/1512 of 1.70 acres	0.00141%



Unauthorized attempts to modify any information stored on this system, to defeat or circumvent security features or to utilize this system for other than its intended purposes are prohibited and may result in criminal prosecution.
Large File Transfer pilot for the VITA Enterprise Applications Division
Notice: This system is intended for non-sensitive data transfers.
NEW: State Employees must register below to send files.

Welcome shagy_1

Help

Logout

New Upload

Previous Uploads

Address Book

Edit Profile

Contact Administrator

Hide Menu

Upload Submitted

File(s) were sent. Your tracking number is **8MR0G0OM17HCZPB2** Please quote the tracking # if you have any problems with this transaction

Add contacts to your address book

Email Address	Status = Already in Address Book
AnitaDuty@consolenergy.com	
gloria.clark@dmme.virginia.gov	
hilareymullins@consolenergy.com	

Exhibit E
Unit CC-28
92-1020-0280-01
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<u>Tract #3 - 1.70 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.1 Limited Partnership P.O. Box 675 Tazewell, VA 24651	1.70 acres	2.1250%
<u>OIL & GAS OWNERSHIP</u>		
Green J. Sisk Heirs, Devisees, Successors or Assigns, et al. (aka Green W. Sisk et al)	1.70 acres	2.12500%
(2) J.H. Sisk Heirs, Devisees, Successors or Assigns		
(c) Pearlie & John Rose Heirs, Devisees, Successors or Assigns		
(c.1) Earl Shortt Heirs, Devisees, Successors or Assigns		
(c.1.2) (Dorothy P. Shortt) Louisa Shortt , wid 391 Whealton Road Hampton, VA 23666	0.003 1/504 of 1.70 acres	0.00422%
(c.3) Georgia Bann Heirs, Devisees, Successors or Assigns		
(c.3.1) Sheila Janowski 13208 28 Mile Road Washington, MI 48094	0.003 1/504 of 1.70 acres	0.00422%
(c.5) Jennings Rose Heirs, Devisees, Successors or Assigns		
(c.5.1) Mabel C. Rose Heirs, Devisees, Successors or Assigns		
(c.5.1.1) Patricia Anne Harman 851 Scotts Creek Rd. Statesville, NC 28625	0.002 1/756 of 1.70 acres	0.00281%
(c.5.1.2) Jerry Wayne Rose 331 Litz Lane Tazewell, VA 24651	0.002 1/756 of 1.70 acres	0.00281%
(c.5.1.3) Shannon McGraw 2013 Brandy Rd. Cedar Bluff, VA 24609	0.001 1/1512 of 1.70 acres	0.00141%
(c.5.1.4) Frances Kate Short 3741 Baptist Valley Road Cedar Bluff, VA 24609	0.001 1/1512 of 1.70 acres	0.00141%

10

Exhibit E
Unit CC-28
92-1020-0280-01

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(g) Charlie Sisk Heirs, Devisees, Successors or Assigns		
(g.2) Linda & Billy Joe Hale 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.70 acres	0.00843%
(g.3) Brenda Sisk P.O. Box 1755 Grundy, VA 24614	0.007 1/252 of 1.70 acres	0.00843%
(g.4) Jennifer & Lovelle Friend 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.70 acres	0.00843%
(g.5) Charlene Thompson 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.70 acres	0.00843%
(g.6) Keith & Yvonne Sisk 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.70 acres	0.00843%
(g.7) Charles Kim Sisk 189 8th Street NW Barberton, OH 44203	0.007 1/252 of 1.70 acres	0.00843%
(i) James Rose Heirs, Devisees, Successors or Assigns		
(i.2) Richard Rose Box 568 Keen Mountain, VA 24624	0.008 1/224 of 1.70 acres	0.00949%
(i.3) Tessie Rose Box 568 Keen Mountain, VA 24624	0.008 1/224 of 1.70 acres	0.00949%

112

Exhibit EE
Unit CC-28
92-1020-0280-01
List of Conflicting Owners/Claimants with Royalty Split Agreements

Need W-9

	Net Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #3 - 1.70 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.1 Limited Partnership P.O. Box 675 Tazewell, VA 24651	1.70 acres	2.1250%	
<u>OIL & GAS OWNERSHIP</u>			
Green J. Sisk Heirs, Devisees, Successors or Assigns, et al. (aka Green W. Sisk et al)	1.70 acres	2.12500%	
(1) Ernest Keen Heirs, Devisees, Successors or Assigns			
(a) Ralph & Grace Ann Keen 200 Summit Avenue Lebanon, VA 24266 <i>(Inherited an additional 1/96 interest from Paul Keene along with the interest already owned.)</i>	0.159 3/32 of 1.70 acres	0.19922%	4.6875%
(b) Elizabeth Ann Justice (Ann McCowan) P.O. Box 677 Rosedale, VA 24280 <i>(Inherited an additional 1/96 interest from Paul Keene along with the interest already owned.)</i>	0.159 3/32 of 1.70 acres	0.19922%	4.6875%
(c) Arnold J. & Wilda Ann Keene 962 Ascue Road Cedar Bluff, VA 24609 <i>(Inherited an additional 1/96 interest from Paul Keene along with the interest already owned.)</i>	0.159 3/32 of 1.70 acres	0.19922%	4.6875%
(e) Anna Ruth & J.C. Lambert Rt.4 Box 597 North Tazewell, VA 24639 <i>(Inherited an additional 1/96 interest from Paul Keene along with the interest already owned.)</i>	0.159 3/32 of 1.70 acres	0.19922%	4.6875%
(e) Ruby Lee Hale Heirs, Devisees, Successors or Assigns			
(d.1) Billy Ray Hale P.O. Box 311 Honaker, VA 24260 <i>(Inherited an additional 1/96 interest from Paul Keene along with the interest already owned.)</i>	0.053 1/32 of 1.70 acres	0.06641%	1.5625%
(d.2) Linda K. Matney Box 738 Pounding Mill, VA 24637 <i>(Inherited an additional 1/96 interest from Paul Keene along with the interest already owned.)</i>	0.053 1/32 of 1.70 acres	0.06641%	1.5625%
(d.3) Brenda Weddle PO Box 185 Cedar Bluff, VA 24609 <i>(Inherited an additional 1/96 interest from Paul Keene along with the interest already owned.)</i>	0.053 1/32 of 1.70 acres	0.06641%	1.5625%

12

Exhibit EE
Unit CC-28
92-1020-0280-01
List of Conflicting Owners/Claimants with Royalty Split Agreements

Need W-9

	Net Acres in Unit	Interest in Unit	Percent of Escrow
(d.4) Carl Lee Hale Rt.2 Box 330 Pounding Mill, VA 24637 <i>(Inherited an additional 1/96 interest from Paul Keene along with the interest already owned.)</i>	0.053 1/32 of 1.70 acres	0.06641%	1.5625%
(f) Paul Keene (Deceased - 1/12 interest) - Leased under Doc #708387 and signed Royalty Split Agreement <i>See notes above</i>			
(2) J.H. Sisk Heirs, Devisees, Successors or Assigns			
(a) Maria Sisk Heirs, Devisees, Successors or Assigns 1/28 interest broken down among heirs			
(b) Ocie & Ted P. Davis 427 Kents Ridge Road Richlands, VA 24641 <i>(Inherited an additional 1/168 interest from Maria Sisk along with the interest already owned.)</i>	0.071 1/24 of 1.70 acres	0.08854%	2.0833%
(c) Pearlie & John Rose Heirs, Devisees, Successors or Assigns			
(c.1) Earl Shortt Heirs, Devisees, Successors or Assigns			
(c.1.2) Dorothy P. Shortt (Louisa Shortt) , widow 391 Whealton Road Hampton, VA 23666 <i>(Inherited an additional 1/3024 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/3024 of 1.70 acres	0.00070%	0.0165%
(c.1.3) David E. Shortt 110 Daphne Drive Grafton, VA 23692 <i>(Inherited an additional 1/3024 interest from Maria Sisk along with the interest already owned.)</i>	0.004 1/432 of 1.70 acres	0.00492%	0.1157%
(c.2) Rondal Rose Heirs, Devisees, Successors or Assigns			
(c.2.1) Helen Rose, widow P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	0.0257%
(c.2.2) Larry Junior Rose P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	0.0257%
(c.2.3) Lacy Dwayne Rose P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	0.0257%
(c.2.4) Eva Loretta Hubbard P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	0.0257%
(c.2.5) Terry Lee Rose P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	0.0257%

13

Exhibit EE
Unit CC-28
92-1020-0280-01

List of Conflicting Owners/Claimants with Royalty Split Agreements

Need W-9	Net Acres in Unit	Interest in Unit	Percent of Escrow
(c.2.6) Earnest Brady Rose P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	0.0257%
(c.2.7) Rondal Damon Rose P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	Pending receipt of W-9
(c.2.8) Julie Lenora Ann Rose P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	0.0257%
(c.2.9) Shawn Kelly Rose P.O. Box 242 Doran, VA 24612 <i>(Inherited an additional 1/13608 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/1944 of 1.70 acres	0.00109%	0.0257%
(c.3) Georgia Bann Heirs, Devisees, Successors or Assigns			
(c.3.1) Sheila Janowski 13208 28 Mile Road Washington, MI 48094 <i>(Inherited an additional 1/3024 interest from Maria Sisk along with the interest already owned.)</i>	0.001 1/3024 of 1.70 acres	0.00070%	Pending receipt of W-9
(c.3.2) Diana Shepard 2246 Thistledowne Drive, NE Grand Rapids, MI 49505 <i>(Inherited an additional 1/3024 interest from Maria Sisk along with the interest already owned.)</i>	0.004 1/432 of 1.70 acres	0.00492%	0.1157%
(c.4) Orthie Burke Heirs, Devisees, Successors or Assigns			
(c.4.1) Elmer Lee Burke 1759 Riverside Dr. Raven, VA 24639 <i>(Inherited an additional 1/6048 interest from Maria Sisk along with the interest already owned.)</i>	0.002 1/864 of 1.70 acres	0.00246%	0.0579%
(c.4.2) James H. Burke P.O. Box 880 Raven, VA 24639 <i>(Inherited an additional 1/6048 interest from Maria Sisk along with the interest already owned.)</i>	0.002 1/864 of 1.70 acres	0.00246%	0.0579%
(c.4.3) Inis Mae Short P.O. Box 438 Cedar Bluff, VA 24609 <i>(Inherited an additional 1/6048 interest from Maria Sisk along with the interest already owned.)</i>	0.002 1/864 of 1.70 acres	0.00246%	0.0579%

14

Exhibit EE
Unit CC-28
92-1020-0280-01

List of Conflicting Owners/Claimants with Royalty Split Agreements

Need W-9

	Net Acres in Unit	Interest in Unit	Percent of Escrow
(c.4.4) Anita Rose Cantrell 7342 Pine Street Radford, VA 24641 <i>(Inherited an additional 1/6048 interest from Maria Sisk along with the interest already owned.)</i>	0.002 1/864 of 1.70 acres	0.00246%	0.0579%
(c.5) Jennings Rose Heirs, Devisees, Successors or Assigns			
(c.5.1) Mabel C. Rose Heirs, Devisees, Successors or Assigns			
(c.5.1.1) Patricia Anne Harman 851 Scotts Creek Rd. Statesville, NC 28625 <i>(Inherited an additional 1/4536 interest from Maria Sisk along with the interest already owned.)</i>	0.0004 1/4536 of 1.70 acres	0.00047%	Pending receipt of W-9
(c.5.1.2) Jerry Wayne Rose 331 Litz Lane Tazewell, VA 24651 <i>(Inherited an additional 1/4536 interest from Maria Sisk along with the interest already owned.)</i>	0.0022 1/756 of 1.70 acres 0.0004 1/4536 of 1.70 acres	0.00281% 0.00047%	0.0661% 0.0110%
(c.5.1.3) Shannon McGraw 2013 Brandy Rd. Cedar Bluff, VA 24609 <i>(Inherited an additional 1/9072 interest from Maria Sisk along with the interest already owned.)</i>	0.0002 1/9072 of 1.70 acres	0.00023%	Pending receipt of W-9
(c.5.1.4) Frances Kate Short 3741 Baptist Valley Road Cedar Bluff, VA 24609 <i>(Inherited an additional 1/9072 interest from Maria Sisk along with the interest already owned.)</i>	0.0002 1/9072 of 1.70 acres	0.00023%	Pending receipt of W-9
(c.6) Charlie Buford Rose 2080 Cambrian Drive Flint, MI 48504 <i>(Inherited an additional 1/1512 interest from Maria Sisk along with the interest already owned.)</i>	0.008 1/216 of 1.70 acres	0.00984%	0.2315%
(c.7) Robert W. Rose 1008 Short Road Raven, VA 24639 <i>(Inherited an additional 1/1512 interest from Maria Sisk along with the interest already owned.)</i>	0.008 1/216 of 1.70 acres	0.00984%	0.2315%
(c.8) Frances A. Webb 855 Stone Rd. Jewell Ridge, VA 24622 <i>(Inherited an additional 1/1512 interest from Maria Sisk along with the interest already owned.)</i>	0.008 1/216 of 1.70 acres	0.00984%	0.2315%
(c.9) Howard O. Rose 43 S. Farmer Street Richlands, VA 24641 <i>(Inherited an additional 1/1512 interest from Maria Sisk along with the interest already owned.)</i>	0.008 1/216 of 1.70 acres	0.00984%	0.2315%
(d) James Parrot Sisk Heirs, Devisees, Successors or Assigns (1/28)			

15

Exhibit EE
Unit CC-28
92-1020-0280-01

List of Conflicting Owners/Claimants with Royalty Split Agreements

Need W-9	Net Acres in Unit	Interest in Unit	Percent of Escrow
(d.1) Helen D. Sisk Heirs, Devisees, Successors or Assigns (1/28)			
(d.1.1) Eugene J. Sisk 4415 Pine Creek Swords Creek, VA 24649 <i>(Inherited an additional 1/840 interest from Maria Sisk along with the interest already owned.)</i>	0.014 1/120 of 1.70 acres	0.01771%	0.4167%
(d.1.2) Ray Leon Sisk 4417 Pine Creek Rd. Swords Creek, VA 24649 <i>(Inherited an additional 1/840 interest from Maria Sisk along with the interest already owned.)</i>	0.014 1/120 of 1.70 acres	0.01771%	0.4167%
(d.1.3) Linda D. Deskins 208 Whites Subdivision Rd. Cedar Bluff, VA 24609 <i>(Inherited an additional 1/840 interest from Maria Sisk along with the interest already owned.)</i>	0.014 1/120 of 1.70 acres	0.01771%	0.4167%
(d.1.4) Margaret Gillespie Heirs, Devisees, Successors or Assigns <i>(Heirs/Addresses Unknown)</i> <i>(Inherited an additional 1/840 interest from Maria Sisk along with the interest already owned.)</i>	0.014 1/120 of 1.70 acres	0.01771%	0.4167%
(d.1.5) Harriett Nicewander P.O. Box 458 Richlands, VA 24641 <i>(Inherited an additional 1/840 interest from Maria Sisk along with the interest already owned.)</i>	0.014 1/120 of 1.70 acres	0.01771%	0.4167%
(e) Oliver & Manda Sisk Heirs, Devisees, Successors or Assigns			
(e.1) Thelma Arbogast Rt.2 Box 284 Elkins, WV 26241 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.2) Vilven Nelson 439 Indian Creek Road Cedar Bluff, VA 24609 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.3) Ilean Shinall 401 Purcell Road Richlands, VA 24641 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.4) Fred Sisk 215 Bethany Drive Jonesborough, TN 37659 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%
(e.5) Otis William Sisk 4965 Old Belews Creek Road Winston Salem, NC 27101 <i>(Inherited an additional 1/2016 interest from Maria Sisk along with the interest already owned.)</i>	0.006 1/288 of 1.70 acres	0.00738%	0.1736%

INSTRUMENT #110001092
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MAY 3, 2011 AT 01:51PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB